

Form **ITA-4093P** LF
(5-94)

U.S. DEPARTMENT OF COMMERCE
International Trade Administration

**APPLICATION FOR AN
EXPORT TRADE CERTIFICATE OF REVIEW**

**No export trade certificate may be issued unless a completed application form has been received
(15 USC 4011-4021).**

Special Action

- ☐ Application for Amendment
☐ Request for Expedited Review

DEPARTMENT OF COMMERCE USE ONLY

See instructions below

NAME OF APPLICANT	DATE RECEIVED	DATE DEEMED SUBMITTED
-------------------	---------------	-----------------------

TRACKING SYSTEM NUMBER	MONITOR
------------------------	---------

CONFIDENTIALITY OF APPLICATION

Information submitted by any person in connection with the issuance, amendment, or revocation of a certificate of review is exempt from disclosure under the Freedom of Information Act, Section 552, Title 5, United States Code.

Except as provided under Section 309(b)(2) of the Export Trading Company Act ("ACT") and 15 CFR 325.16(b)(3), no officer or employee of the United States shall disclose commercial or financial information submitted pursuant to the Act if the information is privileged or confidential and if disclosure of the information would cause harm to the person who submitted the information.

OTHER CONSIDERATIONS

NOTE: The exchange among competitors of competitively sensitive information may, in some circumstances, create risks that competition among the firms will be lessened and antitrust questions raised. The exchange of information about recent or future prices, production, sales or confidential business plans is especially sensitive. As a general matter, the danger that such exchanges will have anticompetitive effects is less when the firms involved have a small share of the market and greater if they have a substantial share.

Applicant may consider seeking the advice of legal counsel on whether any steps would be advisable in the applicant's particular circumstances to avoid issues of this nature. One possible step that the applicant may consider in preparing the application is to compile and submit these types of information through an unrelated third party, such as an attorney or consultant.

INSTRUCTIONS

The Department of Commerce urges applicants to read Title III of the Export Trading Company Act (P.L. 97-290, Section 4011-4021, Title 15, United States Code) and the accompanying regulations (Volume 15, Code of Federal Regulations, Part 325) and the guidelines (50 FR 1786) before completing this application form. These documents and additional information and guidance on the certification program are available free from the Office of Export Trading Company Affairs, Telephone (202) 482-5131.

Space is provided on the attached form for some of the information requested. In most cases you are being asked to supply additional information on supplemental sheets or attachments. Please include the name of the applicant on each supplement or attachment, and specifically identify the item number to which the attachment refers. The two certifying statements on the last page of this form **MUST** be completed before your application will be deemed submitted.

Designate the documents or information which you consider privileged or confidential and disclosure of which would cause you harm.

File an original and two copies of the completed application either by first class mail, or registered mail to: Office of Export Trading Company Affairs, International Trade Administration, Room 1104, U.S. Department of Commerce, Washington, DC 20230; or by personal courier service during business hours to: U.S. Department of Commerce Courier Center, Room 1874.

In response to the questions in this application the applicant is requested to be as specific as possible, including, where applicable, a discussion of the antitrust concerns which caused the applicant to seek a certificate.

Some information, in particular the identification of goods or services that the applicant exports or proposes to export, is requested in a certain form (standard industrial classification (SIC) numbers) if reasonably available. Where information does not exist in this form, an applicant is not required to create it, and may satisfy the request for information by providing it in some other convenient form.

NOTE: If an applicant is unable to provide any of the information requested or if the applicant believes that any of the information requested would be burdensome to obtain and unnecessary for a determination on the application, the applicant should state that the information is not being provided or is being provided in lesser detail, and explain why. It may not be necessary for every applicant to respond to every question on this form. If an applicant believes that certain information requested is not necessary for a determination on the application, the applicant may request a waiver prior to submitting the application. The applicant should contact the Office of Export Trading Company Affairs on (202) 482-5131.

If the applicant has a special need for a quick decision on its application, it should set forth the facts and circumstances that warrant expedited processing in the space provided in item 17. The justification should explain why expedited action is needed, such as bidding deadliness or other circumstances beyond the control of the applicant that require the applicant to act in less than 90 days and that have significant impact on the applicant's export trade.

AGENCY DISCLOSURE OF ESTIMATED BURDEN

Public reporting for this collection of information is estimated to be 32 hours per response, including the time for reviewing instructions, and completing and reviewing the collection of information. All responses to this collection are voluntary. Notwithstanding any other provision of law, no person is

required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Clearance Officer, International Trade Administration, Department of Commerce, Room 4001, 14th and Constitution Avenue, N.W. Washington, DC 20230.

ITEM 1: Applicant/Organizer Information

Name of Applicant: _____

Principal Address: _____
Street Room or Suite

City State Zip

Name if Applicant’s Controlling Entity, if any (if none enter “none”): _____

Principal Address: _____
Street Room or Suite

City State Zip

Individual(s) authorized by the applicant to submit application and to whom all correspondence should be addressed:

Name: _____

Title: _____

Address: _____
Street Room or Suite

City State Zip

Telephone: _____

Relationship to Applicant: _____

ITEM 2: Name and principal address of each member, and of each member’s controlling entity, if any:
(Attach to this application, clearly identifying attachment as response to ITEM 2.)

ITEM 3: Copy of any legal instrument under which the applicant is organized or will operate. Include copies, as appropriate, of its corporate charter, bylaws, partnership, joint venture, membership, or other agreements or contracts under which the applicant is organized.
(Attach to this application, clearly identifying attachment as response to ITEM 3.)

ITEM 4: A copy of the applicant’s most recent annual report, if any, and that of its controlling entity, if any.
(Attach to this application, clearly identifying attachment as response to ITEM 4.)

To the extent the information is not included in the annual report, or in other document submitted in connection with this application, attach a brief description of the applicant’s domestic (including import) and export operations, including:

- (a) **The nature of its business;**
- (b) **The types of products or services in which it deals;**
- (c) **The places where it does business**

(This description may be supplemented by a chart or table.)

ITEM 5: A copy of each member's most recent annual report, if any, and that of its controlling entity, if any.
(Attach to this application, clearly identifying attachment as response to ITEM 5.)

To the extent the information is not included in the annual report, or in other documents submitted in connection with this application, attach a brief description of each member's domestic (including import) and export operations, including:
(a) The nature of its business;
(b) The types of products or services in which it deals;
(c) The places where it does business.

(This description may be supplemented by a chart or table.)

ITEM 6: Names, titles, and responsibilities of the applicant's directors, officers, partners, and managing officials, and their business affiliations with other members or other businesses that produce or sell any of the types of goods or services described in ITEM 7, (below).
(Attach this information to this application, clearly identifying attachment as response to ITEM 6.)

ITEM 7(A): A description of the goods or services which the applicant exports or proposes to export under the certificate of review. This description should reflect the industry's customary definitions of product and services.
(Attach this information to this application clearly identifying attachment as response to ITEM 7(A).)

ITEM 7(B): If the information is reasonably available, please identify the goods or services according to the Standard Industrial Classification (SIC) number. Goods should normally be identified at the 7-digit level. Services should be identified at the most detailed SIC level possible.
(Attach this information to this application, clearly identifying attachment as response to ITEM 7(B).)

ITEM 7(C): Identify the foreign geographic areas to which the applicant and each member export or intend to export their goods and services
(Attach this information to this application, clearly identifying attachment as response to ITEM 7(C).)

For each class of the goods, wares, merchandise, or services set forth in ITEM 7, please provide the following information:

ITEM 8(A): The principal geographic areas or areas in the United States in which the applicant and each member sell their goods and services.
(Attach this information to this application, clearly identifying attachment as response to ITEM 8 (A).)

ITEM 8(B): For each of the previous two fiscal years the dollar value of the applicant's and each member's (i) total domestic sales, if any, and (ii) total export sales, if any. Include the value of sales of any controlling entities and all entities under their control.
(Attach this information to this application, clearly identifying attachment as response to ITEM 8(B).)

ITEM 9: For each product or service to be covered by the certificate, indicate the best information or estimate accessible to the applicant of the total value of sales in the United States by all companies (whether or not members of the proposed certificate) for each of the last two (2) years. Identify the source of the information or the basis of the estimate.
(Attach this information to this application, clearly identifying attachment as response to ITEM 9.)

ITEM 10: Describe the specific export conduct which the applicant seeks to have certified. Only the specific export conduct described in the application will be eligible for certification. For each item, the applicant should state the antitrust concern, if any, raised by that export conduct.

Examples of export conduct which applicants may seek to have certified include the manner in which goods and services will be obtained or provided; the manner in which prices or quantities will be set; exclusive agreements with U.S. suppliers or export intermediaries; territorial, quantity, or price agreements with U.S. suppliers or export intermediaries; and restrictions on membership or membership withdrawal.

(These examples are given only to illustrate the type of export conduct which might be of concern. The specific activities which the applicant may wish to have certified will depend on its particular circumstances or business plans.)

(Attach this information to this application, clearly identifying attachment as response to ITEM 10.)

ITEM 11: If the export trade, export trade activities, or methods of operation for which certification is sought will involve any agreement or any exchange of information among suppliers of the same or similar products or services with respect to domestic prices, production, sales, or other competitively sensitive business information, specify the nature of the agreement or exchange of information.
(Attach this information to this application, clearly identifying attachment as response to ITEM 11.)

ITEM 12: A statement whether the applicant intends or reasonably expects that any exported goods or services covered by the proposed certificate will re-enter the United States, either in its original or modified form. If so, identify the goods or services and the manner in which they may re-enter the United States.
(Attach this information to this application, clearly identifying attachment as response to ITEM 12)

ITEM 13: The names and addresses of the suppliers of the goods and services to be exported (and the goods and services to be supplied by each) unless the goods and services to be exported are to be supplied by the applicant and/or its members.
(Attach this information to this application, clearly identifying attachment as response to ITEM 13.)

ITEM 14: For *each* product to be covered by the certificate provide the following background information:
(a) detailed description of the product and its purpose or use;
(b) the estimated number of competitors (both foreign and domestic) in the particular U.S. market;
(c) a list of the top five competitors who are *not* proposed members of this certificate, in terms of sales in the U.S. market, and an estimate of their respective (%) share in the market;
(d) the ranking of the applicant and each proposed member in terms of their sales in the U.S. market.

Please provide any other background information that the applicant believes will be necessary or helpful to a determination of whether to issue a certificate under the standards of the Export Trading Company Act.
(Attach this information to this application, clearly identifying attachment as response to ITEM 14.)

ITEM 15: (Optional) A proposed draft certificate
(Attach this information to this application, clearly identifying attachment as response to ITEM 15.)

ITEM 16: If the applicant is requesting expedited review, specify the facts and circumstances which warrant it in the space below
(If additional space is necessary, attach the information to this application, clearly identifying attachment as response to ITEM 16.)

CERTIFICATIONS

I certify that the applicant named in ITEM 1 above and each of the members listed in ITEM 2 above has authorized me to submit this application and the attachments, and to represent the applicant and members, if any, in seeking an export trade certificate of review.

TYPED OR PRINTED NAME	SIGNATURE (SIGN IN INK)	DATE
------------------------------	--------------------------------	-------------

I certify that to the best of my knowledge and belief the information submitted in this application and the attachments, and to represent the applicant and members, if any, in seeking an export trade certificate of review.

TYPED OR PRINTED NAME	SIGNATURE (SIGN IN INK)	DATE
------------------------------	--------------------------------	-------------